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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,502	01/23/2006	William Woulds		9796

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Vincent L. Ramik
Diller Ramik & Wight
7345 McWhorter Place Suite 101
Annandale, VA 22003

EXAMINER

WOLFE, DEBRA M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Office Action Summary	Application No. 10/565,502	Applicant(s) WOULDS, WILLIAM	
	Examiner Debra Wolfe	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: contact point 58. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: numerals 56 and 57. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not



accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because the arrow of numeral 44 does not clear locate the gap. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which



applicant regards as the invention. Claims 4 and 6 recites the limitation "the piston" in line 4 of each claim. There is insufficient antecedent basis for this limitation in the claim. Claim 11 recites the limitation "the compressed air or fluid" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 8, 9, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Relich et al (U.S. Patent # 5,115,662). Relich et al discloses an apparatus for stripping workpieces comprising a plurality of stripper fingers (20) spaced around an annular housing (8) that are resiliently mounted for self-aligning with the cut edge of the can on the return stroke of a punch, a biasing device (O-ring 78), situated in a downstream portion, for biasing the tips of the fingers radially inwardly from the housing (8) into a central bore (26) of the bodymaker (2) and an actuator (electromagnetic means 70), situated in an upstream portion, within the housing (8) which, in use, when the punch (6) is carrying a can (4) through the bore (26) on the forward stroke, lifts each finger tip clear of the can carried on the punch, against the action of the biasing device (78) to cause the finger tips to close and strip the can from the punch. Relich et al discloses the fingers (20) each include an inner (24) and outer (42) portion within the housing (8), the inner portion contacting a lip (66) about which the fingers (20) pivot on the forward stroke as the actuator. Relich et al further discloses the actuator (70) is situated in an upstream



portion and the biasing device (78) in a downstream portion and a guide ring (10). It is further noted the apparatus of Relich et al performs the required method limitations of claim 12 [See FIG 4 lines 20-54].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3, 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Relich et al (U.S. Patent # 5,115,662) in view of Sniady (U.S. Patent # 4,121,447). Relich et al discloses the invention substantially as claimed except for wherein the actuator comprises a piston. However, Sniady teaches of using a piston actuator for the purpose of moving the fingers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the actuator of Relich et al to comprise a piston as taught by Sniady in order to have a better control of the movement of the fingers. With regards to claim 4, Relich et al discloses the fingers (20) each include an inner (24) and outer (42) portion within the housing (8), the inner portion contacting a lip (66) about which the fingers (20) pivot on the forward stroke as the actuator. Relich et al fails to disclose the outer portion contacts a lip about which the fingers pivot on the forward stroke as the piston pushes the inner portion of the fingers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the outer portion contact a lip about which the fingers pivot, since it has been held



that a mere reversal of the essential working parts of a device involves only routine skill in the art [*In re Einstein*, 8 USPQ 167].

2. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Relich et al (U.S. Patent # 5,115,662). Relich et al discloses the invention substantially as claimed except for wherein the actuator is situated in a downstream portion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to situate the actuator in a downstream portion, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art [*In re Einstein*, 8 USPQ 167].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 6am - 3:30pm with alternating Friday 6am - 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Lowell A. Larson", is written over a horizontal line.

Lowell A. Larson
Primary Examiner

Debra Wolfe
Examiner
Art Unit 3725